UNITED NATIONS **S**

Security Council

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GENERAL

S/1997/158
25 February 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 25 FEBRUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 25 February 1997 addressed to you by Mr. Hamid Yusuf Hammadi, Acting Minister for Foreign Affairs of the Republic of Iraq, concerning the continuing violations of Iraq's territory and airspace being committed by Turkish armed forces.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 25 February 1997 from the Acting Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I refer to my letter of 8 January 1997 concerning the continuing violations of the territory and airspace of the Republic of Iraq being committed by Turkish armed forces (S/1997/24, annex) and should like to inform you that, on a variety of pretexts, such forces are still engaging in military operations inside Iraq's territory and in its airspace. The violations reported for January 1997 are set forth hereunder.

1. On 3 January 1997 Turkish forces resumed operations and carried out a search of areas adjacent to the Ufkuzi and Huriz districts. This was accompanied by the aerial bombardment by Turkish fighter aircraft of the Kulli Harunah and Armisht areas, which are inside Iraqi territory.

2. On 4 January 1997 two Turkish aircraft bombarded the village of Baytas and Turkish artillery shelled the Mount Kirah area and the village of Sharanish Nasara inside Iraqi territory.

3. On 5 January 1997 Turkish fighter aircraft bombarded the Matin area, which is inside Iraqi territory to the north-west of Amadiyah.

4. On 6 January 1997 Turkish military units that had penetrated inside Iraqi territory began to withdraw from the border strip in the area between Ufkuzi and a point to the north-east of Bahnunah and were redeployed 1 to 2 kilometres inside Iraqi territory. They completed their withdrawal on 7 January 1997.

5. On 10 January 1997 two Turkish fighter aircraft bombarded the villages of Sinat and Qasruk inside Iraqi territory.

6. On 12 January 1997 Turkish armed forces supported by warplanes advanced from the Khabur direction into the village of Alamun, which is situated on the Khabur river inside Iraqi territory.

7. On 12 January 1997 Turkish aircraft and artillery bombarded the areas of Daryarash, Qasruk, Ahmad and Ghari, which are inside Iraqi territory.

8. On 13 January 1997 Turkish fighter aircraft bombarded Armisht, Harunah and Dargal in the Salifani subdistrict of Iraq and continued their sorties over areas in the Iraq-Turkey border strip.

9. Turkish forces released a number of Iraqi Kurdish citizens they had previously detained and took them to the Turkish town of Silopi. From there they were returned to northern Iraq.

In conveying to you the details of these Turkish violations, the Government of Iraq expresses its condemnation of such acts of military aggression. It does so because the practices of the Turkish forces, as represented by their repeated shelling of towns and villages in Iraq and their unlawful incursions into Iraqi

territory, are in flagrant violation of Iraq's sovereignty and the inviolability of its territory and airspace, just as they are incompatible with relations of good-neighbourliness, the Charter of the United Nations, the norms of international law and the 1926 Iraq-Turkey boundary agreement. These practices may also undermine stability in the region as a whole, which is suffering primarily from the anomalous situation created by the United States of America and its allies in northern Iraq.

As stated in my previous letter, the Turkish Government bears full international responsibility for the acts of aggression it commits inside Iraqi territory and for all their consequences, regardless of the alleged reasons it gives.

The Government of Iraq reserves its legitimate right under international law to seek compensation for the damage caused by these Turkish violations of its territory and its airspace and for the human suffering inflicted on Iraqi citizens by these actions. Through you, it renews its call to the Government of Turkey to reconsider its policy with respect to the situation in northern Iraq, to promote the collaboration of the two countries on the basis of considerations of good-neighbourliness and mutual respect for sovereignty and to eliminate the reasons for the persistence of a situation that jeopardizes the interests of both countries.

As, through you, I reiterate my country's call to its Turkish neighbour to respect Iraq's sovereignty and territorial integrity, I express the hope that the United Nations will meet its responsibilities as laid down in the Charter and that it will halt the intimidation and aggression to which my country is constantly being subjected.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hamid Yusuf HAMMADI
Acting Minister for Foreign Affairs
of the Republic of Iraq

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Security Council

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S/1997/159
24 February 1997

ORIGINAL: ENGLISH

LETTER DATED 24 FEBRUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit a copy of two notes verbales with attachments dated 20 January and 3 February 1997 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., to the Embassy of Pakistan, to be forwarded to the United States Department of State, on the violation of territory of the Islamic Republic of Iran by the forces of the United States in the Persian Gulf region.

It would be highly appreciated if this letter and its annexes were circulated as a document of the Security Council.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

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Annex I

Note verbale dated 20 January 1997 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan and has the honour to convey the attached message, in two copies, the original text and an unofficial translation, received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfully requested that the original text be transmitted to the United States Department of State and that our office be informed of its response.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., avails itself of this opportunity to renew the assurances of its highest consideration to the Embassy of Pakistan.

Appendix

According to information received from officials of the Government of the Islamic Republic of Iran, on 29 September 1996 a United States warship at the position of N2840 and E5015 warned an Iranian helicopter (position N2830 and E5015) belonging to the Iranian Oil Company known as HTX, which was in flight from Bushehr to the Frouzan oil platform.

The Government of the Islamic Republic of Iran protests these illegal activities by the United States Government and calls for an end to such actions.

Annex II

Note verbale dated 3 February 1997 from the Interests Section of the Islamic Republic of Iran in Washington, D.C., addressed to the Embassy of Pakistan in Washington, D.C.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., presents its compliments to the Embassy of Pakistan and has the honour to convey the attached message, in two copies, the original text and an unofficial translation, received from the Ministry of Foreign Affairs of the Islamic Republic of Iran. It is respectfully requested that the original text be transmitted to the United States Department of State and that our office be informed of its response.

The Interests Section of the Islamic Republic of Iran in Washington, D.C., avails itself of this opportunity to renew the assurances of its highest consideration to the Embassy of Pakistan.

Appendix

According to information received from officials of the Government of the Islamic Republic of Iran, United States warships and helicopters positioned in the Persian Gulf and the Sea of Oman created a nuisance for Iranian ships and vessels on the following dates:

1. On 9 December 1996, after the ship Iran-Shojaat left the Bander-e-Imam and Khour-e-Mussa region, it was inspected by a United States warship. At 1606 hours, United States warship number 895 contacted the ship Iran-Shojaat, ordered the ship to reduce its speed and directed the ship to the position of N2939 and E4918. Through a VHF radio channel it then inquired about the specific contents of the ship. Following a thorough investigation, the ship was then allowed to sail towards Bandar-e-Abbas.

2. On 8 January 1997 at 1100 hours, two United States helicopters positioned in Buoy 2 of Khour-e-Mussa Channel flew over the ship Iran-Matin, which was navigating from Bander-e-Imam Khomainy to Bandar-e-Abbas, and through a VHF channel ordered the ship to change its course towards Kuwait's waters. After the ship Iran-Matin contacted the control office in Bandar-e-Khark, it proceeded towards Bandar-e-Abbas.

3. On the same date, at 2125 hours, an American helicopter flew over the Iran-Tabriz oil tanker, which was leaving Buoy 6 of Khour-e-Mussa Channel, and ordered the ship to change its course. After the Iran-Tabriz oil tanker received a proper course to follow from Bandar-e-Khark, it sailed towards Bandar-e-Abbas.

The Government of the Islamic Republic of Iran protests those illegal measures by the Government of the United States and calls for an end to such actions.

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S/1997/160
26 February 1997

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

1. At the 79th plenary meeting of its fifty-first session, on 10 December 1996, the General Assembly adopted resolution 51/41, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".[1]

2. In paragraph 5 of the resolution, the General Assembly:

> "5. Invites all countries of the region, pending the establishment of a nuclear-weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly, and to deposit those declarations with the Security Council".

Notes

[1] Not reproduced in the present document; for the full text, see A/RES/51/41.

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26 February 1997

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NOTE BY THE SECRETARY-GENERAL

1. At the 88th plenary meeting of its fifty-first session, on 17 December 1996, the General Assembly adopted resolution 51/208, entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions".[1]

2. In paragraphs 1, 2 and 3 of the resolution, the General Assembly:

> "1. Underlines the importance of consultations under Article 50 of the Charter of the United Nations, as early as possible, with third States which are or may be confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council under Chapter VII of the Charter and of early and regular assessments, as appropriate, of their impact on such States;
>
> "2. Invites the Security Council to consider the establishment of further mechanisms or procedures, as appropriate, for such consultations with regard to a solution of those problems, including appropriate ways and means for increasing the effectiveness of its working methods and procedures applied in the consideration of the requests by the affected countries for assistance, in the context of Article 50 of the Charter;
>
> "3. Welcomes the further measures taken by the Security Council since the adoption of General Assembly resolution 50/51 and aimed at increasing the effectiveness and transparency of the sanctions committees, and strongly recommends that the Council continue its efforts further to enhance the functioning of those committees, to streamline their working procedures and to facilitate access to them by representatives of States which find themselves confronted with special economic problems arising from the carrying out of sanctions".

Notes

[1] Not reproduced in the present document; for the full text, see A/RES/51/208.

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S/1997/162
27 February 1997

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Recalling the statement of its President of 30 January 1997 (S/PRST/1997/3),

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the União Nacional para a Independência Total de Angola (UNITA) of the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and the relevant Security Council resolutions,

Deeply concerned at the second delay in the formation of the Government of Unity and National Reconciliation, as a result of the failure of UNITA to meet the timetable established by the Joint Commission, in the context of the Lusaka Protocol,

Also concerned at the continued delay in the implementation of the remaining political and military aspects of the peace process, including the selection and incorporation of UNITA soldiers into the Angolan Armed Forces, and demobilization,

Stressing that it is imperative for the parties, in particular UNITA, to take urgent and decisive steps to fulfil their commitments in order to ensure the continued involvement of the international community in the peace process in Angola,

Having considered the report of the Secretary-General dated 7 February 1997 (S/1997/115),

1. Welcomes the recommendations contained in the report of the Secretary-General dated 7 February 1997;

2. Decides to extend the mandate of UNAVEM III until 31 March 1997;

3. Urges the Government of Angola and in particular UNITA to solve the remaining military and other issues and to establish, without further delay, the Government of Unity and National Reconciliation, and requests the Secretary-General to report by 20 March 1997 on the status of the formation of this Government;

4. Expresses its readiness, in the light of the report referred to in paragraph 3 above, to consider the imposition of measures, including, inter alia, those specifically mentioned in paragraph 26 of resolution 864 (1993) of 15 September 1993;

5. Stresses that the good offices, mediation, and verification functions of the Special Representative of the Secretary-General, in close collaboration with the Joint Commission, remain essential for the successful completion of the Angolan peace process;

6. Decides to remain actively seized of the matter.

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A/51/809
S/1997/163
26 February 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 21 February 1997 from the Chargé d'affaires a.i of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 20 February 1997, addressed to you by His Excellency Mr. Osman Ertuğ, Representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Tuley TANÇ
Ambassador
Chargé d'affaires a.i.

ANNEX

Letter dated 20 February 1997 from Mr. Osman Ertuğ
addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 28 January 1997 addressed to you by the Greek Cypriot representative at the United Nations in connection with the Joint Declaration between President Rauf Denktaş and President Süleyman Demirel of Turkey issued at Ankara on 20 January 1997 (A/51/787-S/1997/85).

In the first instance, I wish to remind the Greek Cypriot representative that Turkey and the Turkish Republic of Northern Cyprus are two sovereign countries which formally recognize each other and, as such, any interference with this reciprocal relationship is unwarranted and ultra vires.

Secondly, I wish further to remind the Greek Cypriot representative, who pays lip service to international law, that had his administration had the slightest respect for the rule of law, it would not claim to be the legitimate Government of Cyprus, since, under the 1960 international treaties relating to Cyprus, the legitimacy of government has to be vested in the Turkish Cypriot and Greek Cypriot peoples "acting conjointly and in partnership". Furthermore, in making charges to the effect that the said Declaration entails "threats" against his side, the Greek Cypriot representative conveniently forgets that the Declaration was issued in the wake of, and in response to, the Greek Cypriot side's procurement of the S-300 missile system from the Russian Federation, in contravention of the latest Security Council resolution on Cyprus, namely resolution 1092 (1996) of 23 December 1996, in which the Security Council, among other things expresses grave concern over the introduction of sophisticated weaponry into the military arsenal on the island. The Joint Declaration issued by the Presidents of the Turkish Republic of Northern Cyprus and Turkey, far from being a threat to anyone, is aimed at safeguarding against the grave threat posed to the stability of the island and the region at large by the introduction of such weaponry and the unprecedented build-up of arms and armed forces by the Greek Cypriot side.

Recent history, as much as the current developments, bears witness to the fact that it was always the Greek Cypriot side, acting in collaboration with Greece, which not only directed and continues to direct threats against its former partners, the Turkish Cypriots, but which actually carried them out in the form of a systematic campaign of ethnic cleansing against the Turkish Cypriot people between 1963 and 1974. The actions and statements of the Greek Cypriot leadership today, to the effect that they will "liberate" the North from the Turks and that they will hoist the Greek flag over all of Northern Cyprus, clearly demonstrate from whom the real threat to peace and stability on the island comes. Hence we see the repeated violations of the buffer zone and our borders and the military build-up by the Greek Cypriot side, including the purchase of the S-300 missile system.

As for the barrage of accusations pouring out of the Greek Cypriot side to the effect that the Turkish Cypriot side and Turkey do not respect United

Nations resolutions, I wish to remind the Greek Cypriot side that the main thrust of all relevant United Nations resolutions is the solution of the Cyprus question through negotiations between the Turkish Cypriot and Greek Cypriot sides on an equal footing, within the mission of good offices of the Secretary-General. It is precisely those negotiations that the Greek Cypriot side is avoiding because it lacks the political will to settle the issue on a viable and just basis and prefers to cling to its title as the so-called "Government of Cyprus". As is well-known, the Greek Cypriot leader, Mr. Clerides, has repeatedly rejected the calls made by President Denktaş for face-to-face talks on the pretext that there is "no common ground". Even this fact, namely, the refusal of the Greek Cypriot side to sit at the negotiating table, demonstrates who is interested in resolving the issue through peaceful negotiation and who is seeking confrontation by escalating tensions.

The very magnitude of the rearmament campaign of the Greek Cypriot side and its determination to purchase the said missiles in spite of widespread criticism against it indicate the aggressive nature of the so-called "joint defence doctrine". The speedy implementation of this doctrine is a clear sign that the joint Greek-Greek Cypriot front will not heed the calls for abandoning its policy of escalation, to the detriment of the negotiating process and the pacific resolution of the Cyprus dispute.

In recognition of this new major impediment placed before your mission of good offices in respect of Cyprus, I trust that you will use your influence to convince the Greek Cypriot side to abandon this policy of confrontation and come to the negotiating table without further delay.

I should be grateful if the text of the present letter could be circulated as a document of the fifty-first session of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

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26 February 1997
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LETTER DATED 26 FEBRUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you of the following incident.

At 1200 hours on 20 February 1997 a Kuwaiti boat with five persons on board fired on Iraqi patrol boats near buoy 15. It then returned towards the Kuwaiti shore.

I request your intervention with the Government of Kuwait with a view to halting the repeated acts of aggression and provocation being committed by the Kuwaiti side in violation of the Charter of the United Nations and public international law. Such acts have the effect of creating a state of tension in the region rather than promoting its security.

In accordance with the principle of State responsibility, I also affirm the legally established right of the Republic of Iraq to seek compensation for the damage caused to its property by the unwarranted acts of provocation carried out by Kuwaiti gunboats.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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27 February 1997
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LETTER DATED 27 FEBRUARY 1997 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am writing in my capacity as Chairman of the Arab Group for the month of February 1997. I refer to my letter dated 21 February 1997 addressed to you (A/51/805-S/1997/149), in which I conveyed to you the great concern of the members of the Arab Group at the persistence of Israel, the occupying Power, in pursuing unlawful policies and taking illegal measures in the occupied Palestinian territory, including Jerusalem and the occupied Syrian Golan, and, in particular, at its persistence in building settlements there in violation of the fourth Geneva Convention of 1949, the Hague Rules of 1907 and numerous resolutions of the United Nations Security Council and General Assembly, thereby posing a grave threat to the peace process in the Middle East and to the integrity of the agreements concluded in that respect between the parties. I also refer to my letter dated 25 February 1997 addressed to you (A/51/808-S/1997/157), by which I transmitted the text of a communiqué issued on 23 February 1997 by the General Secretariat of the League of Arab States stressing that Israel's persistence in establishing settlements in [illegible] occupied Arab territories would have grave repercussions for the peace process. Further to those letters, and in the light of the decision of the Government of Israel, the occupying Power, to begin the construction of 6,500 housing units in the Abu Ghunaym area to the south of occupied East Jerusalem - a measure that is being taken in blatant defiance of the position adopted by the international community in this regard and given expression by the Security Council - I have the honour, on behalf of the Arab Group, the members of the League of Arab States, to make an official request that an immediate meeting of the Security Council be held in order to consider illegal Israeli settlement activity, particularly in East Jerusalem.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nasser AL-KIDWA
Permanent Observer

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27 February 1997

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1084 (1996) of 27 November 1996 requesting an interim report by 28 February 1997 on my efforts to break the impasse blocking the implementation of the settlement plan. In addition to reiterating its commitment to the holding of a referendum in accordance with the settlement plan, the Security Council expressed support for the activities of my Acting Special Representative in continuing the dialogue, noted the beneficial effect of demonstrations of goodwill and of all contacts aimed at achieving the implementation of the settlement plan, welcomed the steps taken by the parties and encouraged them to pursue their efforts so as to build confidence between themselves and to facilitate the implementation of the plan. The Security Council also requested me to propose alternative steps, in the framework of the settlement plan, should there be no meaningful progress towards removing the obstacles to the implementation of the plan and, further, to continue to keep the staffing size and configuration of the various components of the United Nations Mission for the Referendum in Western Sahara (MINURSO) under active review in order to ensure maximum efficiency and effectiveness.

2. Section II of the present report covers the efforts of my Acting Special Representative, Mr. Erik Jensen, and an assessment of the impasse which continues to block the further implementation of the settlement plan, with particular respect to the identification process. Section III deals with other aspects of the plan; section IV covers the activities of the military and civilian police components; and section V contains my observations and recommendations.

II. MEETINGS AND IDENTIFICATION PROCESS

3. Since the adoption of Security Council resolution 1084 (1996), my Acting Special Representative has sought to maintain contact with the parties, visiting both Rabat and Tindouf on several occasions in December 1996 and January 1997. He had meetings with the Moroccan Minister of the Interior, Mr. Driss Basri, and

with the Frente POLISARIO Coordinator with MINURSO, Mr. Bachir Mustapha Sayed, as well as with other senior representatives. Both the Government of Morocco and the Frente POLISARIO have again reiterated their commitment to the settlement plan and their wish to see it implemented. However, there has been no change in their respective attitudes to continuing the identification process.

4. The identification process began in August 1994, and continued for more than a year and a half. In that period, procedures became well established. Contacts increased and a greater mutual awareness was generated between the parties. The process stalled late in 1995, by which time 77,058 persons had been convoked and 60,112 identified. This corresponds to the number of persons estimated to have survived since 1974, when the Spanish colonial authorities conducted a census indicating that 73,497 Saharans resided in the Territory. The conditions posed by the two sides for further identification are incompatible. Every solution put forward is interpreted as favouring one side or the other. Morocco maintains that all persons for whom applications were presented at the appropriate time have the right to come forward for identification, without prejudice to the decision of the Identification Commission. It is, further, the Moroccan view that all the groups treated as tribes and subfractions in the Spanish census of 1974 should be considered as such, pointing out that tribal leaders (sheikhs) were elected for them in 1973. The Frente POLISARIO insists that, in accordance with the compromise proposal, in addition to individuals whose names appear in the census, only members of "a Saharan subfraction included in the 1974 census" have the right to be identified and that certain groups in the census are not recognized Saharan tribes composed of authentic "subfractions". The Frente POLISARIO also insists that the lists of persons already identified and found eligible to vote should be made available, a proposal unacceptable to Morocco as not being in conformity with the settlement plan.

5. From a technical point of view, it is entirely possible to resume and finish identification. The full programme drawn up in 1996 would have taken 32 weeks to complete. That would presuppose a commitment by both sides to participate in the proceedings as scheduled, on the basis of an understanding as to the persons to be identified. It should be noted, however, that if agreement were reached to resume and complete the identification process, a certain amount of time would be required to locate and recruit the personnel required and to re-establish and reopen the identification centres, which were partially dismantled when the Identification Commission and its staff were withdrawn.

6. With respect to measures to build confidence, the Government of Morocco has again confirmed the position expressed publicly by King Hassan II in November 1996. The Frente POLISARIO has also reiterated its wish to pursue contacts, but is unwilling to do so on the conditions that Morocco considers necessary.

III. OTHER ASPECTS OF THE SETTLEMENT PLAN

Release of political prisoners

7. My Acting Special Representative has continued to pursue the matters raised by the Independent Jurist, Professor Emmanuel Roucounas. On 14 January 1997, the Frente POLISARIO provided a revised and annotated list of persons allegedly detained for political reasons in Morocco. On 16 January, my Acting Special Representative transmitted the list officially to the Moroccan Ministry of the Interior, in accordance with the agreement reached in July 1996 with Professor Roucounas during his visit to the region.

Repatriation of refugees

8. The Office of the United Nations High Commissioner for Refugees (UNHCR) has undertaken various activities in planning for the voluntary repatriation of Western Saharan refugees. UNHCR has been monitoring the developments in the region, and has undertaken to review and update on a continuous basis the repatriation plan drawn up in 1991 to prepare for the voluntary repatriation of refugees. Updates in logistical considerations have set the cost of the UNHCR repatriation project at US$ 50 million.

9. When conditions so permit, UNHCR plans to carry out a pre-registration of potential returnees, which is an essential part of the preparatory work for the repatriation operation. Meanwhile, UNHCR continues its assistance to the most vulnerable among the refugees.

10. Since July 1996, the UNHCR Field Office in Tindouf has become operational, while staff from Algiers and from Headquarters regularly conduct missions to the Tindouf area. An international staff member has been appointed for Tindouf effective 15 February 1997.

IV. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

11. On 30 November 1996, Major-General Jorge Barroso de Moura (Portugal) replaced Major-General José Eduardo Garcia Leandro (Portugal) as Force Commander. The current strength of the military component, after last year's reduction by 20 per cent, stands at 230 personnel (see annex I). During the reporting period, the military component of MINURSO has continued to monitor and verify the ceasefire. Despite the reduced strength, it has proved possible to increase slightly the number of ground and air patrols. Military observers averaged 47,000 km per week in ground operational patrols and 178 hours a month in helicopter reconnaissance during the reporting period. There was one allegation of a violation which, upon investigation, was not confirmed. Some minor incidents were satisfactorily resolved. Collaboration with both the Royal Moroccan Army and the Frente POLISARIO has been good.

12. On the basis of the experience gained in the last four months in operating at the reduced staffing levels, the Force Commander has been exploring whether

any further reduction could be achieved without impairing the implementation of MINURSO's current mandate. He has now prepared a number of options which are currently under study at United Nations Headquarters. I will review these in the light of the need to maintain the component's operational effectiveness in monitoring the ceasefire and submit to the Security Council, in my next report, appropriate proposals accordingly.

Civilian police component

13. During the reporting period, Lieutenant-Colonel Jan Kleven (Norway), who became Acting Police Commissioner upon the departure of Brigadier General Walter Fallmann (Austria), has continued to head the civilian police component of MINURSO. This component, which numbered 91 police officers in January 1996, has now been reduced to nine (see annex II), and has as its principal functions ensuring 24-hour security for the computerized data and computer equipment at the former identification centres, maintaining a security presence in Tindouf and occasional escort duties.

14. The overall reduction of MINURSO staff has now made it possible to reassemble all computerized data and computer equipment within the confines of the MINURSO compound at Laayoune, where adequate security arrangements are in place. I therefore propose, in order to reduce costs to the fullest possible extent, that the Acting Police Commissioner and remaining civilian police not be replaced at the end of their current assignments, or earlier if agreed with their Governments.

V. OBSERVATIONS AND RECOMMENDATIONS

15. The ceasefire in the Western Sahara that came into effect on 6 September 1991 after years of conflict has held, with only minor technical violations. Although lives have been lost in accidents, there have been no fatalities attributable to hostile fire. This is no mean achievement in a region that is threatened by instability. MINURSO can take credit for having helped the parties maintain their commitment to the ceasefire through the presence and patrolling activities of its observers. However, this is not MINURSO's only achievement. The initiation of the identification process and MINURSO's contribution to facilitating contact between the parties as a confidence-building measure have also been important. What has been accomplished should not be lost.

16. Progress is possible, but only if both sides commit themselves fully, in deed as well as in word, to implementing the settlement plan. Unless this happens, the continued presence of MINURSO will be increasingly questioned. The retention of the military component at its present level is costly, since the bulk of MINURSO's expenditure relates to maintaining, supporting and enabling the military observers to function in their team-sites. Furthermore, in the absence of progress towards a political solution as foreseen in the settlement plan, the presence of military observers alone will not by itself prevent hostilities. On the other hand, the withdrawal of military observers could put in jeopardy the ceasefire and seriously threaten regional stability. In the circumstances, I believe it essential to make every effort to move the political

process forward and to identify ways, including the possibility of a new initiative, to overcome the current stalemate in implementing the settlement plan.

17. I have therefore been reviewing the following questions:

(a) Can the settlement plan be implemented in its present form?

(b) If not, are there adjustments to the settlement plan, acceptable to both parties, which would make it implementable?

(c) If not, are there other ways by which the international community could help the parties resolve their conflict?

I intend to intensify the examination of these questions during the coming weeks so that I can be in a position to present conclusions to the Council before the expiry of MINURSO's current mandate on 31 May 1997.

18. In the meantime, I am considering further reductions in the staffing of MINURSO, where costs have already fallen by some 40 per cent, from about $4 million to approximately $2.6 million per month. Through the non-replacement of departing personnel and those on loan, reductions have been effected in the civilian staff. The withdrawal of the civilian police component, if accompanied by additional reductions elsewhere, will also allow further cuts in civilian administration staff. I intend to keep the situation under active review and advise the Council accordingly.

19. The United Nations cannot compel the parties to honour their commitment to cooperate in implementing the settlement plan. Without such cooperation, it will become increasingly difficult to justify continuing expenditure beyond the expiry of the present mandate. The international community cannot continue to spend its scarce resources on the Western Sahara in the absence of any progress in the implementation of the plan that the two parties freely accepted nine years ago. This is a critical moment for the Mission. I can only hope that the parties do not fail to realize the serious implications for the future of MINURSO.

Annex I

COMPOSITION OF THE MILITARY COMPONENT OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

	Current strength		
	Military observers	Support units	Total
Argentina	1		1
Austria	4		4
Bangladesh	6		6
China	16		16
Egypt	11		11
El Salvador	2		2
France	25		25
Ghana	6	7	13 a/
Greece	1		1
Guinea	3		3
Honduras	12		12
Ireland	8		8
Italy	5		5
Kenya	8		8
Malaysia	13		13
Nigeria	3		3
Pakistan	5		5
Poland	3		3
Portugal	6		6
Republic of Korea	0	20	20 b/
Russian Federation	25		25
Tunisia	9		9
Uruguay	13		13
United States of America	15		15
Venezuela	3		3
Total	203	27	230

a/ Support units (seven non-commissioned officers).

b/ Medical personnel.

Annex II

CIVILIAN POLICE OFFICERS

Country	Number
Norway	1
Austria	2
Hungary	2
Togo	2
Uruguay	2
Total	9

Map No. 3691 Rev. 11 UNITED NATIONS
February 1997

Department of Public Information
Cartographic Section

UNITED
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Security Council

Distr.
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S/1997/167
27 February 1997

ORIGINAL: ENGLISH

LETTER DATED 25 FEBRUARY 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with my obligation to bring to your attention matters that may be of interest to the members of the Security Council, and in view of the ongoing role which the United Nations continues to play in efforts to bring about a peaceful resolution of the conflict in Liberia, I have the honour to inform you of the outcome of the second Ministerial Meeting of the ad hoc Special Conference to Support the Peace Process in Liberia, held in New York on 20 February 1997.

The meeting was organized at the request of the United States of America on behalf of the International Contact Group on Liberia, of Nigeria on behalf of the Economic Community of West African States (ECOWAS), and of the Netherlands. It brought together the members of the International Contact Group, those of ECOWAS, the Bretton Woods institutions and relevant United Nations departments, programmes and agencies.

The purpose of the meeting was to build upon the momentum generated by the positive outcome of the disarmament process in Liberia, while identifying and addressing the immediate needs of the peace process and critical requirements seen for the medium term. In my opening statement to the meeting, I noted that in the past three months the Liberian peace process had witnessed important positive developments but despite those positive developments difficult challenges still remained, and it was necessary to intensify rather than relax efforts.

Three challenges would have to be met. First, it was necessary to have the political will to do what needed to be done in Liberia. Second, it was necessary for the various actors, both national and international, to have the courage to cooperate to get the job done. Third, it was necessary to find and contribute the resources needed to accomplish the job successfully. I appealed for additional resources to be made available to the ECOWAS Monitoring Group (ECOMOG), and for continued international support for humanitarian and reconstruction efforts and for the electoral process.

In the discussions that followed, there was strong support for the role played by ECOWAS, and a clear understanding of the importance of reinforcing ECOMOG. The meeting was appreciative of the substantial assistance provided to

ECOMOG by donor countries, while noting that there was a need to coordinate efforts so as to maximize their effectiveness. There was also wide support for ongoing emergency operations and for bridging and reintegrating programmes, and the meeting recognized the critical importance of those efforts to the success of the peace process. Participants noted the importance of striking a balance between providing assistance to ex-combatants and to those who had been the victims of the conflict, and there was universal condemnation of the use of child fighters.

A useful and extensive discussion took place on the question of elections. Participants welcomed the recent progress towards establishing a framework for the holding of elections in Liberia, and consensus emerged on a number of issues, including the need to adhere to the 30 May 1997 election date. There were firm pledges of financial and other support from a number of donor countries and from the European Commission. Clear differences emerged, however, with respect to whether refugees should be required to return to Liberia in order to participate in the elections. Substantial repatriation was stressed by nearly all participants as the most effective solution to this problem, and it was noted that a tremendous voluntary repatriation effort would be required on the part of the international community.

The representative of the Chairman of ECOWAS, Chief Tom Ikimi, Minister for Foreign Affairs of Nigeria, briefed the meeting on the question of sanctions and observed that their availability had had a significant deterrent effect on the parties. The meeting took note of the statement by Mr. Jan Pronk, Minister for Development Cooperation of the Netherlands, that, while the sanctions had not yet been applied, they remained in effect and could be applied against any party in serious violation of the Abuja Agreement.

The Administrator of the United Nations Development Programme (UNDP) and the UNDP Resident Representative in Liberia briefed the meeting on reconstruction and post-election development efforts. My Special Representative, Mr. Anthony Nyakyi, also briefed the meeting on coordination efforts, and it was announced that, in order to further enhance those efforts, the UNDP Resident Representative would also be named as the Director of the Office of the Special Representative.

At the conclusion of the meeting, the Chairman, the Under-Secretary-General for Political Affairs, took stock of what had been achieved. With respect to the three challenges which I had outlined in my opening remarks, he observed that they had been met. First, the high degree of consensus had demonstrated that there was now the necessary political will both inside and outside Liberia for the peace process to succeed. Second, the determination of donors, ECOWAS and the United Nations system to work together was evident, and was a clear signal that the leading actors did now have the "courage to cooperate" in Liberia. Third, donors had made it clear that they were ready to provide the resources needed, and the meeting had sent a very clear message to the parties that if they made progress the international community would respond generously.

Before concluding, the participants expressed their readiness to convene again in support of the Liberian peace process, at whatever level and time I, in consultation with the three organizers, deemed appropriate.

(Signed) Kofi A. ANNAN

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27 February 1997

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GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 25 February 1997 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new violations of the airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, recorded on 20 February 1997.

On that day, at 1539 hours, two Turkish military RF-4 planes violated the national airspace of the Republic of Cyprus, entering the Nicosia flight information region, remaining for approximately 40 minutes and exiting at 1620 hours.

Such unauthorized intrusions into the Nicosia flight information region and the airspace of the Republic are in violation of international air traffic rules and seriously endanger civil aviation flights over Cyprus. At the same time, they heighten tension in Cyprus and are in contravention of the provisions of repeated Security Council resolutions on Cyprus, which state that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly against the new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of the Charter of the United Nations and the relevant decisions of the United Nations on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 58 of the fifty-first session, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador, Permanent Representative
of the Republic of Cyprus
to the United Nations

97-05147 (E) 270297

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Security Council

Distr.
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S/1997/169
27 February 1997

ORIGINAL: ENGLISH

LETTER DATED 24 JANUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to enclose herewith the text of three documents signed by H.E. Mr. Imamali Rakhmonov, President of the Republic of Tajikistan, and H.E. Mr. Abdollah Nuri, Leader of the United Tajik Opposition, in the presence of the Special Representative of the Secretary-General of the United Nations, at Mashhad, Islamic Republic of Iran, on 21 February 1997.

It would be appreciated if the text of the present letter and its annexes could be circulated as a document of the Security Council.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

97-05226 (E) 280297 280297

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Annex I

[Original: Russian]

Statute of the Commission on National Reconciliation

I. GENERAL PROVISIONS

1. The President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, guided by the highest interests of the peoples of Tajikistan for the purpose of achieving a stable peace and national accord in the country, have adopted a political decision to establish a Commission on National Reconciliation (hereinafter referred to as the Commission), signing an Agreement and a Protocol in Moscow on 23 December 1996.

2. The purview of the Commission includes the whole range of problems associated with national reconciliation. Its tasks shall be to implement the agreements reached in the course of the inter-Tajik talks, to promote the creation of an atmosphere of trust and mutual forgiveness and to institute a broad dialogue among the various political forces in the country with a view to restoring and strengthening civil accord in Tajikistan.

3. The Commission is a temporary body, established for the transition period. It shall cease its activity after the convening of the new Parliament and the formation of its leadership structures. The Commission on National Reconciliation shall begin its work two weeks after the signing of the Protocols on military and political issues.

II. COMPOSITION OF THE COMMISSION AND PROCEDURAL ASPECTS OF ITS ACTIVITY

4. The members of the Commission shall be appointed on a basis of parity by the Government of the Republic of Tajikistan and the United Tajik Opposition. The Commission shall comprise 26 members. It shall be headed by a Chairman, a representative of the United Tajik Opposition, who shall have one deputy, a representative of the Government of the Republic of Tajikistan (the individual membership of the Commission shall be announced 10 days before the Commission starts work). The leaders and members of the Commission shall work full-time, and may not be removed by the parties, except in circumstances which make it impossible for them to discharge their duties.

5. The Commission shall comprise four subcommissions:

(a) On political issues;

(b) On military issues;

(c) On refugee issues;

(d) On legal issues.

The Commission shall have the right where necessary to disband or combine subcommissions or establish new ones. Each subcommission shall elect its chairman, with two subcommissions being headed by representatives of the Government and two by representatives of the United Tajik Opposition. The Commission shall where necessary create working bodies - expert groups, a press service and others. The joint commissions established in the course of the inter-Tajik talks shall become working bodies of the Commission.

6. The quorum for meetings of the Commission shall be two thirds of its membership. Substantive issues shall be decided by consensus. Should this method prove inconclusive after 10 meetings, the procedure for deciding on the substantive issue shall thereafter be taken by the Chairman of the Commission. Procedural issues shall be decided by simple majority. Decisions adopted by the Chairman and the Commission on issues of national reconciliation shall be binding on the authorities.

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

Devising a monitoring mechanism and monitoring compliance by the parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Implementing measures for the safe and appropriate return of the refugees and their active involvement in the social, political and economic life of the country, and provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to Parliament and the local representative bodies;

Establishment for the transition period of a Central Electoral Commission on the Elections and the Conduct of the Referendum;

Reform of the Government - inclusion of representatives of the opposition (UTO) in the structures of executive authority (members of the government),

including ministries, departments, local authorities, judicial bodies and law enforcement agencies, taking the regional principle into account;

Guidance and monitoring of the disbandment, disarming and reintegration of the armed units of the opposition armed forces and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war and other prisoners and the release of forcibly detained persons;

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by the Parliament and the Commission on National Reconciliation;

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

IV. GUARANTEES OF SECURITY

8. The members of the Commission shall possess immunity. The Government of the Republic of Tajikistan and the United Tajik Opposition guarantee the security and immunity of members of the Commission in the discharge of their duties and in their free time. The members of the Commission may not be detained, arrested or tried for actions committed prior to their appointment to the Commission or for actions in connection with the discharge of their duties. The Government of the Republic of Tajikistan guarantees the inviolability of the office and residential accommodation in which the members of the Commission and their families will work and live.

In order to ensure the security of members of the Commission and their families, a special unit with a strength of up to 80 personnel comprising representatives of the Government and UTO, on a basis of parity, shall be established by the Government within the Ministry of Security.

V. LOCATION OF THE COMMISSION

9. The Commission shall be located in the capital of the Republic, Dushanbe.

VI. MATERIAL AND TECHNICAL SUPPORT FOR THE WORK OF THE COMMISSION

10. Expenses associated with the maintenance and work of the Commission (salaries, communications, transportation) shall be financed out of the State budget, special provision being made for this purpose.

VII. PROCEDURE FOR PUBLICIZING THE WORK OF THE COMMISSION

11. For purposes of facilitating the process of national reconciliation and creating an atmosphere of trust and mutual understanding, the press service of the Commission shall conduct press conferences and briefings and issue press releases and bulletins. The mass media of the Government of the Republic of Tajikistan and the United Tajik Opposition shall regularly publicize the work of the Commission.

VIII. THE ROLE OF THE UNITED NATIONS AND OSCE IN PROMOTING THE WORK OF THE COMMISSION

12. In accordance with the Protocol signed in Moscow on 23 December 1996 by the President of the Republic of Tajikistan and the leader of the United Tajik Opposition, the work of the Commission shall be conducted in close cooperation with the United Nations Observer Mission and the OSCE Mission in Tajikistan. The Special Representative of the Secretary-General of the United Nations and the United Nations Observer Mission in Tajikistan shall render advisory assistance to the work of the Commission, and also such other assistance as may be provided for in its possible future mandates. Decisions of the Commission on issues related to the activity of the United Nations Observer Mission in Tajikistan shall be taken in consultation with the Special Representative of the Secretary-General.

(Signed) E. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. MERREM
Special Representative of the
Secretary-General of the
United Nations

Annex II

[Original: Russian]

Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation

In the light of the problems which have arisen in the negotiations, and in order to ensure that the Commission on National Reconciliation starts to function as quickly as possible, the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition (UTO), S. A. Nuri, following their meeting in Mashhad in the Islamic Republic of Iran on 20 and 21 February 1997, have decided as follows:

1. The words "in proportion to the representation of the parties in the Commission on National Reconciliation" shall be omitted from the paragraph dealing with reform of the Government in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 (page 2).

2. Thirty per cent of positions in executive structures, including ministries, departments, local authorities, and judicial bodies and law-enforcement agencies, shall be assigned to representatives of UTO, the regional principle being taken into account.

3. The phrase "development of a mechanism for converting the military-political movements into political parties" in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 shall be deemed null and void from the date of signing of the Protocol on Military Issues, since this matter will be discussed under the heading of military issues.

Mashhad

21 February 1997

(Signed) E. S. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. D. MERREM
Special Representative of the
Secretary-General of the
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Annex III

[Original: English]

Joint communiqué, issued at Mashhad, Islamic Republic of Iran, on 21 February 1997

We, Imamali Rakhmonov, the President of the Republic of Tajikistan, and Seyed Abdollah Nuri, Leader of the United Tajik Opposition, met in the city of Mashhad, Islamic Republic of Iran, on 20 and 21 February 1997 and discussed various issues relating to recent incidents in our country, Tajikistan. Following the signing of the Moscow Agreement and the establishment of the Commission on National Reconciliation, we came to realize that the enemies of peace and stability in Tajikistan are striving to impede its implementation. For, regrettably, there still exist individuals whose interests are served more in war than in peace. Taking the representatives of international organizations, government employees, members of the opposition and correspondents hostage as well as acts of terrorism carried out by the Rezvan Sodirov Group are instances of such reprehensible acts which have damaged the credibility of our State, nation and Government. In the light of the fact that no individual or group should violate the inalienable rights of human beings, we condemn such acts.

Today, once again we address ourselves to the world and to our own nation and hereby announce that the Government of Tajikistan and the United Tajik Opposition condemn the hostage taking and terrorism in whatever form it is manifested, and undertake to do our utmost to prevent the recurrence of such acts that may impede the efforts of the Commission on National Reconciliation. We hope that the Commission on National Reconciliation, along with the President and all government officials of Tajikistan, would soon restore the country to the conditions we wish for and that the independent Republic of Tajikistan would gain fame as one of the peace-loving countries. We invite all our dear compatriots, irrespective of their political views, to gain a clear understanding of our efforts in this respect and to assist us wholeheartedly.

Imamali RAKHMONOV
President
Republic of Tajikistan

Seyed Abdollah NURI
Leader
United Tajik Opposition

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Security Council

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S/1997/169*
27 February 1997

ORIGINAL: ENGLISH

LETTER DATED 24 FEBRUARY 1997 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

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Ambassador
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* Reissued for technical reasons.

97-05736 (E) 050397

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(Signed) E. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. MERREM
Special Representative of the
Secretary-General of the
United Nations

Annex II

[Original: Russian]

Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation

In the light of the problems which have arisen in the negotiations, and in order to ensure that the Commission on National Reconciliation starts to function as quickly as possible, the President of the Republic of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition (UTO), S. A. Nuri, following their meeting in Mashhad in the Islamic Republic of Iran on 20 and 21 February 1997, have decided as follows:

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Mashhad

21 February 1997

(Signed) E. S. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. D. MERREM
Special Representative of the
Secretary-General of the
United Nations

Annex III

[Original: English]

Joint communiqué, issued at Mashhad, Islamic Republic of Iran, on 21 February 1997

We, Imamali Rakhmonov, the President of the Republic of Tajikistan, and Seyed Abdollah Nuri, Leader of the United Tajik Opposition, met in the city of Mashhad, Islamic Republic of Iran, on 20 and 21 February 1997 and discussed various issues relating to recent incidents in our country, Tajikistan. Following the signing of the Moscow Agreement and the establishment of the Commission on National Reconciliation, we came to realize that the enemies of peace and stability in Tajikistan are striving to impede its implementation. For, regrettably, there still exist individuals whose interests are served more in war than in peace. Taking the representatives of international organizations, government employees, members of the opposition and correspondents hostage as well as acts of terrorism carried out by the Rezvan Sodirov Group are instances of such reprehensible acts which have damaged the credibility of our State, nation and Government. In the light of the fact that no individual or group should violate the inalienable rights of human beings, we condemn such acts.

Today, once again we address ourselves to the world and to our own nation and hereby announce that the Government of Tajikistan and the United Tajik Opposition condemn the hostage taking and terrorism in whatever form it is manifested, and undertake to do our utmost to prevent the recurrence of such acts that may impede the efforts of the Commission on National Reconciliation. We hope that the Commission on National Reconciliation, along with the President and all government officials of Tajikistan, would soon restore the country to the conditions we wish for and that the independent Republic of Tajikistan would gain fame as one of the peace-loving countries. We invite all our dear compatriots, irrespective of their political views, to gain a clear understanding of our efforts in this respect and to assist us wholeheartedly.

Imamali RAKHMONOV
President
Republic of Tajikistan

Seyed Abdollah NURI
Leader
United Tajik Opposition

UNITED NATIONS **S**

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LETTER DATED 26 FEBRUARY 1997 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to bring to the attention of the Security Council the following points concerning the issue of the assassination attempt on the life of the President of Egypt. The Government of the Sudan wants to make its position clear to the members of the Security Council to facilitate their task in taking a fair and just decision based on factual evidence and not mere accusations.

1. The position of the Sudan concerning terrorism is as follows:

> "The Sudanese Government and people forcefully condemn terrorism in all its forms and manifestations. The Sudan believes that no reason or motive whatsoever justifies terrorist acts. The Sudan, based on these principles and values, has not allowed and will not allow its territory to be used as a source of any act of terror or to be used as a shelter for terrorists or any one who has eluded justice."

2. The Sudan is committed to all international and bilateral agreements to which it is a party. The Sudan is particularly committed to the four major international conventions elaborated to prevent and punish different forms of terrorist acts, the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and the 1964 Extradition Treaty between Ethiopia and the Sudan. The Sudan is committed to fully implementing, without any reservations, all the international, regional and bilateral legal instruments to which it is a party, in all the aspects which fall within its national jurisdiction.

3. The condemnation by the Sudan of the assassination attempt against the President of Egypt was expressed at all levels of the Sudanese Government and in many forums and on the very day it took place. The Sudan is convinced that those responsible for this heinous crime should be brought to justice.

4. The intensive and comprehensive investigations carried out by all the concerned authorities in the Sudan, under the direct supervision of the

President of the Sudan, based on the information provided by Ethiopia, proved that none of the wanted Egyptian suspects is in the Sudan.

5. The Security Council resolutions concerning the assassination attempt against the President of Egypt, resolutions 1044 (1996), 1054 (1996) and 1070 (1996), aimed at urging and requiring the Sudan to work towards the extradition of the Egyptian nationals involved in that attempt, a matter that would have been possible if they had in fact been sheltering in the Sudan. In other words the extradition element is ab initio non-existent as a matter of fact. However, to ask the Sudan to apply its national laws extraterritorially runs contrary to the international law on extradition. The Security Council resolutions do not intend to do so. The Sudan cannot be held responsible for extraditing persons not within its territorial jurisdiction.

6. The Council should consider establishing the legal basis for any decision it takes relating to this issue. To facilitate that, certain questions have to be addressed:

(a) What are the legal bases for the Council's decisions and what concrete evidence is provided to the Council, apart from mere accusations or press quotations, to make it determine the Sudan's complicity in sheltering those Egyptians who attempted to assassinate the President of Egypt? The question is posed especially in the light of the fact that the Council, in its resolution 1044 (1996), made reference to two legal instruments;

(b) What legal evidence has been established by the Council as a basis for determining that the Government of the Sudan sponsors terrorism?

7. Adopting a resolution imposing sanctions on the Sudan without investigating the issue of the presence of the suspects in the Sudan, before verification of the information implicating the Government of the Sudan and without incontrovertible evidence is put in the hands of the Council proving the complicity of the Government of the Sudan in the assassination attempt against the President of Egypt and in sponsoring terrorism, has no legal basis.

I should be grateful if you would draw the attention of the members of the Security Council to the position of my Government and have the present note circulated as a document of the Security Council.

(Signed) Elfatih M. ERWA
Permanent Representative